

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF
NEW YORK, by LETITIA JAMES,
Attorney General of the State of
New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a
limited liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER
SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a
limited liability company; and

MARK UNDERWOOD, individually
and as an officer of QUINCY
BIOSCIENCE HOLDING
COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and
PREVAGEN, INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

**NOTICE OF CROSS-MOTION
FOR PARTIAL SUMMARY
JUDGMENT BY PEOPLE OF THE
STATE OF NEW YORK BY
LETITIA JAMES, ATTORNEY
GENERAL FOR THE STATE OF
NEW YORK**

PLEASE TAKE NOTICE that, upon the memorandum of law in Opposition to Defendant Mark Underwood's Motion for Summary Judgment by People of the State of New York by Letitia James, Attorney General of the State of New York (filed May 6, 2022) [Dkt. Nos. 236 & 237], the Rule 56.1 Statement in Support of Cross-Motion for Summary Judgment by Plaintiff People of the State of New York, by Letitia James, Attorney General of the State of New York (filed contemporaneously herewith), and the Declaration of Kate Matuschak in Support of Plaintiff People of the State of New York's Opposition to Defendant Mark

Underwood's Motion for Partial Summary Judgment and Exhibits A through P thereto (filed May 6, 2022) [Dkt. Nos. 240 & 241], Plaintiff People of the State of New York by Letitia James, Attorney General of the State of New York ("NYAG"), will move this Court before the Honorable Louis L. Stanton, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, on a date and time to be set by the Court, for an Order granting the NYAG partial summary judgment in the above-captioned action under Rule 56 of the Federal Rules of Civil Procedure. The NYAG respectfully requests that the Court's Order also: (1) declare that it is "law of the case" that the Court has personal jurisdiction over Underwood for the NYAG's claims; (2) preclude Underwood from introducing evidence or examining or cross-examining witnesses concerning his contacts with the State of New York; and/or (3) otherwise preclude Underwood from re-raising the issue of personal jurisdiction for the NYAG's claims.

Date: May 20, 2022

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

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CERTIFICATE OF SERVICE

I certify that on this 20th day of May 2022, I served via ECF the foregoing Notice of Cross-Motion for Partial Summary Judgment by People of the State of New York by Letitia James, Attorney General for the State of New York, to the attorneys of record on the Service List below.

/s/ Kate Matuschak

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